

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

ILLINOIS ENVIRONMENTAL)	
PROTECTION AGENCY,)	
)	
Complainant,)	AC 2023-012
)	
v.)	(IEPA No. 56-23-AC)
)	
ROBERT C. CROWDER TRUST,)	
MARY E. MCCLELLAND TRUST,)	
and MAX MCCLELLAND,)	
)	
Respondents.)	

STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT’S PETITION FOR ADMINISTRATIVE REVIEW

NOW COMES the Complainant, ILLINOIS ENVIRONMENTAL PROTECTION AGENCY (“Illinois EPA”), by and through its attorney, Michelle M. Ryan, and the Respondents, ROBERT C. CROWDER TRUST, MARY E. MCCLELLAND TRUST, and MAX MCCLELLAND, (collectively “Respondents”), by and through their attorney, Joseph Hughs, Rammelkamp Bradney, P.C., pursuant to Sections 31.1 and 42(b)(4-5) of the Illinois Environmental Protection Act (“Act”), 415 ILCS 5/31.1 and 42(b)(4-5) (2022), and Section 103.180 of the Illinois Pollution Control Board’s (“Board”) Rules and Regulations, 35 Ill. Adm. Code 103.180, the parties hereby enter into this STIPULATION OF SETTLEMENT AND DISMISSAL OF RESPONDENT’S PETITION FOR ADMINISTRATIVE REVIEW (“Agreement”), and in support hereof, the parties respectfully state as follows:

1. On March 27, 2023, Beth Unser, Environmental Protection Specialist for the Illinois EPA’s Springfield Regional Office, conducted an inspection of a facility owned by the

Respondents. The facility is located at 15700 Vermont Road, Rushville, Schuyler County, Illinois, and is designated with Illinois EPA Site Code No. 1690205060.

2. On or about April 25-27, 2023 the Illinois EPA individually served the Respondents with Administrative Citation No. 56-23-AC, alleging therein that the Respondents had caused or allowed open dumping at the facility on March 27, 2023, in a manner which resulted in the following occurrences: (1) litter, a violation of 415 ILCS 5/21(p)(1) (2022); (2) open burning, a violation of 415 ILCS 5/21(p)(3)(2022); and (3) deposition of construction or demolition debris, a violation of 415 ILCS 5/21(p)(7) (2022).

3. On or about May 30, 2023, Respondents filed a Petition for Review contesting the administrative citation.

4. In an effort to resolve this matter without the need for a hearing, the parties have engaged in settlement negotiations and have reached this Agreement and hereby tender it to the Board for approval, the terms and conditions of which are as follows:

- a. Respondents admit that they caused or allowed open dumping resulting in litter, a violation of 415 ILCS 5/21(p)(1) (2022), and agree to pay the statutory civil penalty of \$1,500.00 pursuant to 415 ILCS 5/42(b)(4-5) (2022). Respondents do not admit to any other violations.
- b. Respondents agree to pay the statutory civil penalty within 30 days of the date of the Board's order accepting this stipulation.
- c. Respondents agree to diligently comply with, and shall cease and desist from further violation of the Act, 415 ILCS 5/1 *et seq.* (2022), and the Board's rules and regulations, 35 Ill. Adm. Code Subtitles A through H.

- d. The Illinois EPA agrees not to refer the violations that are the subject of this administrative citation to the Office of the Illinois Attorney General or any other prosecuting authority for the initiation of a civil enforcement action.
- e. Respondent's Petition for Review filed with the Board on or about May 30, 2023, shall be dismissed.

WHEREFORE, the parties request that the Board accept this Agreement and issue an order consistent with its terms and conditions.

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY, Complainant,

BY:



Michelle M. Ryan
Special Assistant Attorney General
1021 North Grand Avenue East
Springfield, IL 62702-4059
(217) 782-5544

DATE: 8/2/23

-AND-

ROBERT C. CROWDER TRUST,

BY: *Robert C. Crowder*
Robert C. Crowder

DATE: 8-2-2023

MARY E. MCCLELLAND TRUST,

BY: *Mary E. McClelland*
Mary E. McClelland

DATE: *aug 2, 2023*

-AND-

MAX MCCLELLAND, Respondent,

Max McClelland

DATE: *AUG-2-2023*